

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION
RANCHI**

FORM OF PROCEEDINGS

Case No. 30 of 2010

Sl. No.	Date of proceeding	Proceedings of the Commission with signature	Office action taken with date
1	2	3	4
1.	04.01.2011	<p>The Commission by order dated 4.12.2010 had directed all the generators and the licensees of the State to file their ARR and tariff petition for determination of tariff for FY 2011-12 by 31st December 2010. In compliance to the said order, only JSEB has filed its ARR and tariff petition for determination of tariff for FY 2011-12, which has been registered and being processed separately. The other licensees and generators have requested for grant of time to file their ARR and tariff petitions on the grounds which are mentioned below:-</p> <p><u>SAIL/Bokaro</u> - The DGM, SAIL/Bokaro in his letter dated 30.12.2010 has stated that in compliance with clause 10.4 of the directives contained in Tariff Order for FY 2010-11 of SAIL/Bokaro issued by the Commission, the appointment of M/s Mecon Limited as an expert agency for assessment of the Fixed Asset Base of the distribution system of the licensed area is under process. In view of this four months time may be granted to SAIL/Bokaro for filing the tariff petition for FY 2011-12.</p> <p><u>Tata Steel Limited (TSL)</u>: The General Manager (Power Services Division), Tata Steel Limited vide his letter dated</p>	

31.12.2010 has requested to grant time upto end of February 2011 for filing tariff petition on the ground that the JSERC (Terms & Conditions for determination of Distribution tariff) Regulations 2010 was notified in the month of December, 2010 and they need more time to understand the new Regulations and for filing of ARR.

Damodar Valley Corporation (DVC): The Dy. Chief Engineer (Tariff), DVC vide his letter dated 29.12.2010 has requested to grant at least 8 (eight) weeks' time for filing of ARR/petition for FY 2011-12 of DVC. It has been stated that they could not collect the relevant data for filling up the prescribed forms within the stipulated time and some more time is required to collect the data/information from their different establishments/formations/departments and compilation of the same at their end.

JUSCO: No tariff petition has been filed. No request letter for grant of time has been received.

Tata Power Company Limited (TPCL): DGM, TPCL vide his letter dated 24.12.2010 has requested for grant of two months time to file the ARR and the tariff petition for FY 2011-12. It has been mentioned in the letter that they would require time in order to thoroughly understand the new Regulations & annexed formats and populate the same in the preparation and filing of ARR and the tariff petition for FY 2011-12 in accordance with the said Regulations.

Tenughat Vidyut Nigam Limited (TVNL): The Elec. S.E., TVNL in his letter dated 24.12.2010 has stated that the budget of TVNL for FY 2011-12 is yet under process of finalization and approval of competent authority, which may take two months time and as such it has been requested that they may be permitted to file the tariff petition of TVNL by 28.2.2011.

From the above it appears that all the generators and the licensees (except JUSCO) have requested at least two months time i.e. till end of February 2011 for filing ARR and tariff petitions on one ground or the other. The findings of the Commission on each of these are recorded hereinbelow:

SAIL/Bokaro: The reason given for extension of time for filing of ARR and tariff petition for 2011-12 is not tenable. The Electricity Act 2003 has come into effect from 10th June 2003. All the licensees are supposed to segregate their Asset Base for the distribution business in their licensed area within one year from the date of coming into force of the Electricity Act 2003. The Commission had already allowed time to segregate their distribution business while issuing the tariff order for 2007-08. The said direction has also been reiterated in the Tariff Order for 2010-11. But till date the licensee-SAIL has not taken any steps in this direction. The licensee has also not stated the current status and stages for complying with the said direction. However,

taking a lenient view, the licensee-SAIL is allowed time till 31.1.2011 to file its ARR and tariff petition for determination of tariff for FY 2011-12.

Tata Steel Limited (TSL): The licensee has requested to grant time upto end of February 2011 for filing tariff petition for FY 2011-12 on the ground that they need to understand the JSERC (Terms & Conditions for determination of Distribution tariff) Regulations, 2010. This is not a valid ground for grant of time. The draft Regulations on determination of Distribution Tariff was published on 12.8.2010 and comments/suggestions were invited from the utilities upto 31.8.2010. Thereafter a public hearing was held in which the representatives of the licensee participated and submitted their comments. After considering the suggestions/comments, the final Regulations for determination of distribution tariff was notified and uploaded on the website on 6.12.2010. As such, there is no reason to grant time for filing ARR and tariff petition for 2011-12 on the ground of understanding the said Regulations. However, taking a lenient view the licensee-TSL is granted time till 31.1.2011 to file its ARR and tariff petition for 2011-12.

Damodar Valley Corporation (DVC): The DVC has requested to grant eight weeks' time for filing the tariff petition for 2011-12 to enable them to collect the relevant data for filling up the required forms. This is not a valid ground. The licensee-DVC has not explained the

stages upto which the work relating to collection of the data has been done. They have also not disclosed from where the data is required to be collected. However, taking a lenient view, the licensee-DVC is allowed time till 31.1.2011 to file the tariff petition for FY 2011-12.

Tata Power Company Limited (TPCL): The generator-TPCL has requested for two months time to file ARR and tariff petition for FY 2011-12 on the ground that they require time to thoroughly understand the JSERC (Terms & Conditions for determination of Generation tariff) Regulations, 2010. This is not a valid ground for grant of time. The draft Regulations for determination of Generation Tariff was published on 12.8.2010 and comments/ suggestions were invited from the public and the generators upto 31.8.2010. Thereafter public hearing was held in which the representatives of TPCL participated and submitted their comments. Besides, they had also given power presentation on the said Regulations. After considering the suggestions/ comments, the final Regulations for determination of generation tariff was notified and uploaded on the website 6.12.2010. As such, there is no reason to grant time for filing ARR and tariff petition for 2011-12. However, taking a lenient view, the TPCL is granted time till 31st January 2011 to file its ARR and tariff petition for 2011-12.

Tenughat Vidyut Nigam Limited (TVNL): TVNL has requested for time till 28.2.2011 on the ground that the budget of TVNL for FY 2011-12 is yet under process of finalization and approval of competent authority. The Budget has nothing to do with the filing of ARR and the tariff petition of a generator or a licensee. It is the audited accounts for the previous year of the generating company which has got relevance for filing the tariff petition for the ensuing year. The ground given for grant of time is not tenable. However, taking a lenient view, the generator-TVNL is granted time till 31.1.2011 for filing the ARR and the tariff petition for FY 2011-12.

Jamshedpur Utilities Services Company J(USCO): The licensee-JUSCO has neither filed its ARR and the tariff petition for determination of tariff for FY 2011-12 nor has filed any petition for grant of time for filing the same. As per the Regulations the due date for filing the ARR and the tariff petition for FY 2011-12 was 1st November 2010. However, the Commission on its own had relaxed the time by its order dated 4.12.2010 and had directed all the licensees and the generators to file their ARR and tariff petition for FY 2011-12 by 31st December 2010. The licensee-JUSCO has failed to adhere to this time schedule. Moreover, no request has also been made to extend the time beyond 31.12.2010. This is a violation of the directions of the Commission. As such, the licensee-JUSCO is directed to show-cause within a week as to

why appropriate orders, as per law, be not passed for violation of the Commission's directions.

Sd/-
Member (E)

Sd/-
Chairperson